

Serial No. 10/026,539

Docket No. K-0368

Amendment dated November 1, 2006

Reply to Office Action of August 1, 2006

REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has canceled claims 7 and 17 and amended claims 1, 6, 11 and 16 to further clarify the invention. Claims 1-6, 8-16 and 18-21 are pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1-3, 5-13 and 15-21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,804,246 (Petersen et al.). Claims 4 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen et al. in view of U.S. Patent No. 6,628,641 (Strawczynski).

Response to Arguments

Applicant will not address each and every of the Examiner's statements in the response to arguments section of the Office Action since the Examiner continues to read the limitations in

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Applicant's claims back into the cited reference, without any justifiable support or disclosure in the cited reference for these assertions. For example, on page 7, the Examiner states that Petersen "clearly indicates that the CHU 42-32 demultiplexes a AAL2' cells carrying AAL2 packets as well as re-multiplexes the AAL2 packets to standard AAL2 cells", then cites col. 11, lines 50-53 and Fig. 7B to support these assertions. However, these portions merely disclose that several AAL2 prime channels, each on an individual ATM-VCC, are multiplexed into one ATM-VCC using the standard AAL2 protocol. Petersen et al. discloses multiplexing of channels. This is not multiplexing AAL2 cells carrying AAL2 packets, as recited in the claims of the present application.

35 U.S.C. § 102 Rejections

Claims 1-3, 5-13 and 15-21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Petersen et al. Claims 7 and 17 have been canceled. Applicant has discussed the deficiencies of this reference in Applicant's previously filed response and reasserts all arguments submitted in that response. Applicant respectfully traverses these rejections as to the remaining pending claims and provides the following additional remarks.

Regarding claims 1, 6, 11 and 16, Applicant submits that Petersen et al. does not disclose or suggest the limitations in the combination of each of these claims. The Examiner asserts that Petersen et al. discloses an AAL transmitter that generates one or more AAL cells by multiplexing N AAL packets, by the transmitter 42-35 in Fig. 7A. However, 42-35 is merely a

transmitter/receiver board that is connected between the ATM switch 42-30 and an antenna broadcasting/reception site, such as site 62 in Fig. 5 (see, col. 10 lines 34-40). This is not an AAL transmitter residing in a channel card, the channel card further comprising an AAL receiver and a CPU, as recited in the claims of the present application. Further, Applicant could find no disclosure anywhere in the drawings or specification of Petersen et al. that discloses or suggests that the transmitter 42-35 in Petersen et al. performs generating AAL cells by multiplexing AAL packets, generated by adding an AAL packet header to a data subset of an original user data set. Petersen et al. merely discloses that the transmitter/receiver board 42-35 interfaces the ATM switch to an antenna. Applicant respectfully requests the Examiner to specifically point out where in Petersen et al. these limitations are disclosed or suggested as required by 35 U.S.C. § 102.

Further, Petersen does not disclose or suggest an AAL receiver and an AAL2 transmitter, each residing on an AAL2 processor, which perform the functions recited in the claims of the present application. The Examiner again asserts that the cell handling unit 42-32 in Fig. 7A discloses these limitations in the claims of the present application. However, as has been noted previously, the Examiner appears to read limitations in the claims of the present application back into the cited reference. Petersen et al. is directed to terminating user channels by mapping AAL2 packets of the user channels into modified ATM cells having an AAL protocol different than AAL2. The cell handling unit performs this mapping function. Details of the processing

performed by the cell handling unit is shown in Figs. 13-13L and associated disclosure in col. 18, line 48-col. 25, line 42. Applicant submits that none of these portions disclose or suggest an AAL2 processor that includes an AAL receiver, and an AAL transmitter, an AAL2 transmitter and an AAL2 receiver, as recited in the claims of the present application. Applicant respectfully request that Examiner to specifically point out where each of the AAL transmitter, AAL receiver, AAL2 transmitter and AAL2 receiver are disclosed or suggested in the cell handling unit disclosed in Petersen et al. Further, Applicant respectfully requests the Examiner to specifically point out where the associated functions of these devices, recited in the claims of the present application, are disclosed or suggested in the figures and/or disclosure of Petersen et al. The Examiner is not allowed to read limitations in the claims of the present application back into the cited reference with no disclosure or suggestion of these limitations in the cited reference. These are improper §102 rejections.

Further, Petersen et al. does not disclose or suggest an AAL receiver that restores the original user data set by demultiplexing the N AAL packets, the AAL receiver residing in a selector, the selector further comprising a second AAL transmitter and a CPU, as recited in the claims of the present application. There is no disclosure or suggestion in Petersen et al. of a selector comprising an AAL receiver, second AAL transmitter and a CPU. The transmitter/receiver board in Petersen et al. does not disclose or suggest these limitations in the claims of the present application.

Regarding claims 2, 3, 5, 8-10, 12, 13, 15 and 18-21, Applicant submits that these claims are dependent on one of independent claims 1, 6, 11 and 16 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Petersen et al. does not disclose or suggest the limitations in the combination of each of claims 1-3, 5, 6, 8-13, 15, 16 and 18-21 of the present application. Applicant respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. § 103 Rejections

Claims 4 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen et al. in view of Strawczynski et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Strawczynski does not overcome the substantial defects noted previously regarding Petersen et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4 and 14 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-6, 8-16 and 18-21 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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